IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 20917 of 2004

Between:

K.Sathaiah, S/o Vittoda,
Sangareddy Depot, R/o Sangareddy, Medak District

..... PETITIONER

AND

1. The A.P.S.R.T.C., rep.by its Regional Manager, Medak at

Sangareddy
2 The A.P.S.R.T.C., rep.by its Depot Manager, Sangareddy

Depot, Medak District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the 2nd respondent herein in suspending the petitioners from service, vide proceedings No.P2/114(9)/2004-Sangareddy, dated 2-11-2004 as illegal, unjust and arbitrary, unwarrented and as such liable to set aside in the interest of justice

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondents: MR.V.T.M.PRASAD, SC FOR APSRTC.

The Court, at the stage of admission, made the following :

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ORAL ORDER

The petitioner is working as a Conductor. He was entrusted with the job of issuing bus passes. He issued a bus pass to a person by name P.Santhosh Kumar. It is described as a student monthly route bus pass. The validity period of the pass was being extended from time to time. On the last occasion, it was renewed on 06-10-2004. A charge was framed against the petitioner, which reads as follows:-

" For having issued Bus pass No.24/042089 of Rs.120/- den. to a student Sri P.Santhosh Kumar, studying in Inter 1st year at Teja Jr.College for the journey from Bodpatla to Sangareddy without valid date which is a serious mis-conduct as per Reg. 28(ix-a) of APSRTC Employees (Conduct) Reg.1963."

The learned counsel for the petitioner submits that the petitioner has taken all precautions while renewing the bus pass on 06-10-2004, which was originally issued by another clerk on 12-06-2004. Since, there are columns in the reverse of the bus pass, indicating the months of an academic year, it was being renewed on payment of prescribed amount on every month. Though, issued initially on 12-06-2004, it was renewed on 12-07-04,05-08-04,06-09-04, and 06-10-04. A perusal of the bus pass indicates that it was issued for the month of October-04 only.

In the light of the above circumstances, the misconduct attributed to the petitioner does not warrant the suspension. Keeping the petitioner under suspension, till the conclusion of the enquiry, is likely to cause loss to the Corporation. Therefore, I am

inclined to revoke the order of suspension.

In the result, the writ petition is allowed. The order of suspension dated 02-11-2004 is set aside. This Order will not preclude the respondents from proceeding with the enquiry regarding the charge framed against the petitioner and to pass appropriate orders according to rules and regulations.

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Dr.G.YETHIRAJULU,J

16th NOVEMBER 2004

Note:

Issue CC in

Two(2) days.

(B/O)

*TSNR

TO

1 The Regional Manager, APSRTC Medak at Sangareddy
2 The Depot Manager,APSRTC, Sangareddy Depot, Medak

District

3 Two CD copies